

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:18-cr-0134-SEB-TAB
	)	
GARY KOONS,	)	
	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On February 16, 2022, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 23, 2020. Defendant Koons appeared in person with his retained counsel John Tompkins. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Angela Smith.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Koons of his rights and ensured he had a copy of the Petition. Defendant Koons orally waived his right to a preliminary hearing and to reading of the Petition.
2. After being placed under oath, Defendant Koons admitted violation numbers 1 and 2 as set forth in the Petition. [Docket No. 37.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1            **“You must not commit another federal, state, or local crime.”**

On October 22, 2020, Mr. Koons was arrested by Indianapolis Metropolitan Police Department on charges of Robbery and Carrying a Handgun without a License. He is presently being held in custody at the Marion County Jail and formal charges are pending in Marion County.

- 2            **“You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.”**

Mr. Koons was arrested on October 22, 2020, at which time he was in possession of two firearms.

4.        The Court finds that:

- (a)        The highest grade of violation is a Grade A violation.
- (b)        Defendant’s criminal history category is VI.
- (c)        The range of imprisonment applicable upon revocation of supervised release, therefore, is 24 months’ imprisonment.<sup>1</sup>

5.        The government recommended a sentence of twenty-four (24) months to be served consecutively to the sentence received under Cause Number 49D29-2010-F5-032595, Marion County, Indiana, with no supervised release to follow. Defendant's counsel argued for a sentence of sixteen (16) months to be served concurrently under Cause Number 49D29-2010-F5-032595, Marion County, Indiana, with no supervised release to follow. Defendant also requested that Defendant be allowed to serve any sentence received in the Indiana Department of Correction.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in


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<sup>1</sup> The range of imprisonment set forth in the United States Sentencing Commission Guidelines Manual is 33 to 41 months; however, the statutory maximum term of imprisonment is two years, and so is substituted for the applicable range pursuant to paragraph 7B1.4(b)(2) of the Guidelines.

the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of twenty-four (24) months, to be served consecutively to the sentence received under Cause Number 49D29-2010-F5-032595, Marion County, Indiana, with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 17 FEB 2022



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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

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